UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

FIFTH COMMITTEE
34th meeting
held on
Friday, 29 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 34th MEETING

Chairman: Mr. ALOM (Bangladesh)
(Vice-Chairman)

later: Mr. SENGWE (Zimbabwe)
(Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

CONTENTS

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued)

AGENDA ITEM 121: UNITED NATIONS COMMON SYSTEM (continued)

AGENDA ITEM 122: UNITED NATIONS PENSION SYSTEM (continued)

AGENDA ITEM 141: REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.5/51/SR.34
28 February 1997

ORIGINAL: ENGLISH

96-82400 (E)

In the absence of Mr. Sengwe (Zimbabwe), Mr. Alom (Bangladesh), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued) (A/51/656)

1. Mr. BOUAYAD-AGHA (Joint Inspection Unit), introducing the report of the Joint Inspection Unit (JIU) on placement and promotions (A/51/656), said that all staff members must know a career progression translated into additional responsibilities, enhanced status and higher remuneration. Unfortunately, trends had been observed in the promotion area which appeared to compromise the very concept of career, and many staff members found themselves without any promotion prospects. The fastest promotions were not always linked to competence and efficiency: recent times had witnessed a drastic curtailment of the promotions of male staff members as they had increasingly come up against stiff female competition buttressed by comprehensive preferential measures. The awareness that there was little guarantee of objectivity engendered deep feelings of dissatisfaction and frustration throughout the system.

2. The report was based on three interrelated assumptions. First, a modern, fair and transparent personnel policy, in which placement and promotion played an important part, and the strict implementation of that policy were crucial determinants of the effective future performance of the Organization. The General Assembly, in resolution 47/226, had urged the Secretary-General to improve all personnel policies, yet that requirement had still not been implemented. Second, such a policy would tangibly improve morale among the staff, which, as all were aware, was very low. Third, fair and transparent personnel policies and their strict implementation were the best guarantee against attempts at micro-management of the Secretariat and interference with the Secretary-General's prerogatives under Article 97 of the Charter.

3. The following questions arose concerning the current system: the extent to which placement and promotion were tied to merit; whether the promotion process could be improved to reward performance; how open decision-making was in that area; what changes were practical and desirable in policies and procedures; whether the functioning of the appointment and promotion bodies could be improved; and whether programme managers could be held more accountable for placement and promotion decisions.

4. The current system suffered from most of the flaws and deficiencies which had characterized the previous systems of annual grade-by-grade review and vacancy management. Those flaws and deficiencies were further aggravated by the constant circumvention of recruitment policies. The so-called regularization of temporary staff on short-term appointments blocked the recruitment of candidates from competitive examinations, more than 100 of whom were currently awaiting positions. With respect to recruitment to Professional posts, the requirements concerning education standards must be strictly applied.

5. Planning capability in the Office of Human Resources Management (OHRM) had recently been enhanced, and the Under-Secretary-General for Administration and Management had indicated that a new recruitment process, ensuring internal

recruitment in 10 weeks and external recruitment in 13 weeks, had been put in place. There was no longer any reason for granting short-term appointments for more than three months, with the sole exception of appointments to replace staff serving on missions.

6. Current policy provided for all vacant posts to remain unencumbered until a candidate was permanently assigned through internal reassignment, lateral transfer or promotion. Temporary assignments from within a department against higher-level vacancies while normal placement procedures were under way should be allowed only in exceptional cases, and should be limited to three months. In reality, however, "exceptional" cases were rather numerous, with major abuse in the Department of Administration and Management, which was responsible for enforcing personnel procedures and policies, and the Department of Political Affairs. Information recently made available by OHRM suggested that there were even more exceptions than JIU had indicated in its report. While the Secretary-General could exercise his discretion in that regard, it was limited under the Staff Regulations and Rules. The Appointment and Promotion Board had observed that recommended candidates had sometimes occupied posts on a temporary basis for longer than a year, a practice which raised questions of credibility and fairness.

7. The temporary placing of staff against higher-level vacancies damaged the careers of other eligible staff members, particularly since such vacancies were frequently not announced, in contravention of United Nations policy. That practice must be immediately discontinued. JIU recommended that, once the three-month time limit had been exceeded, a staff member temporarily occupying a post should no longer be considered eligible for the vacancy. Those measures were contained in recommendation I.

8. The General Assembly had emphasized the need to improve the status of women in the Secretariat, but in accordance with the Charter of the United Nations. Articles 8 and 101.3 of the Charter were clear. Under Article 8, the United Nations should place no restriction on the eligibility of men and women to participate in any capacity and under conditions of equality, while the paramount consideration, under Article 101.3 was known to all. The Joint Inspection Unit had proposed a number of measures in that respect aimed at giving preference to women, based on the principle of "other things being equal".

9. The Secretary-General, however, in his attempts to push ahead to gender parity by the year 2000, had introduced a number of measures which were discriminatory since they gave automatic preference based on gender. In particular, the policy guidance contained in administrative instruction ST/AI/412 referred to identifying women candidates who met the minimum qualifications for any vacant post and introduced such notions as "suitable women candidates". That administrative instruction contradicted the Staff Regulations and Rules and left many loopholes and opportunities for abuse. As a result, a number of complaints had been submitted to the Joint Appeals Board and the United Nations Administrative Tribunal.

10. JIU shared the view of the Administrative Tribunal that the language of Article 101.3 unequivocally established a standard under which less qualified persons were not entitled to preferential treatment based on gender, and that

the fundamental principle reflected in that Article might not be diluted by a desire to overcome past problems. It should be recalled, in that context, that the representative of Australia, speaking also on behalf of Canada and New Zealand, had recently emphasized the need for the further strengthening of the merit principle. Indeed, explanations that special measures had been introduced to correct past mistakes were not convincing, for the reason that, if discriminatory action had been taken in the past, it had merely represented, at worst, violations of the then-existent equitable gender policy. At present, however, with the introduction of different criteria for recruitment, placement and promotion based on gender, discrimination had been institutionalized. The special measures giving automatic preference to women were redundant. That such measures were not only unnecessary but humiliating to women had been heard from women themselves, both in the Staff Council and in the Fifth Committee.

11. The Organization should have a comprehensive career development system, of which promotion should be an integral part. Despite reaffirmations of commitment by successive Secretaries-General over 20 years, no such system existed. Indeed, the very concept of career development had almost disappeared; it was mentioned neither in the proposed medium-term plan, nor in the Secretary-General's report on the implementation of the strategy for the management of the Organization's human resources (A/C.5/51/1). The representative of Costa Rica, speaking on behalf of the Group of 77 and China, had expressed concern that the latter report made no reference to career development and presented no career system for the staff, despite repeated requests by the General Assembly. Instead, the promotion of the new Performance Appraisal System gave the impression that that new tool for the evaluation of staff conduct superseded any requirements for career development.

12. The representative of Japan had emphasized the need for a long-term career development plan. That view was shared by JIU (A/51/656, para. 74), which had concluded that the Secretariat should develop a system which would provide promotion possibilities to all staff through the establishment of links between the skills available in the Organization and future demands. OHRM had the necessary capacity, expertise and information technology to establish such a system. The Secretariat should chart career paths in a fair and transparent manner for all staff, not only for a selected few. Career development was one of the most disappointing administrative policy efforts in the history of the Organization. The assertion by the Assistant Secretary-General for Human Resources Management that the Secretariat was equally frustrated by over 50 years of waiting was surprising, to say the least: the obvious question was who was responsible, if not OHRM itself. Accordingly, in recommendation II, JIU called for an explanation of why a career development system had not been put in place, or included in the proposed medium-term plan, and invited the Secretary-General to provide information on proposals for a new system, with time-limited objectives.

13. Despite requests by the General Assembly for a mechanism to ensure that programme managers were held accountable for the management of the resources allocated to them, it was not clear that such a mechanism had functioned in the area of human resources. The time had come to hold programme managers financially responsible for decisions which entailed paying damages to the staff concerned in connection with grievance procedures. The Staff Rules already provided the Secretary-General with the necessary means to do so. In

recommendation III, JIU advocated the application of Staff Rule 112.3 in cases where it was established that the placement and promotions decisions appealed against had been based on improper motivation, wilful violation, or reckless disregard of established policies.

14. Regarding decentralization and the delegation of authority, some delegations had stated that a system of accountability and responsibility needed to be established before authority could be decentralized or delegated. In an earlier report, JIU had expressed the view that it would be premature and even counterproductive to delegate essential functions before human resources management policies were formulated, all personnel procedures were reviewed and improved, proper demarcation of responsibilities in human resources management was established between OHRM and other offices and departments, and appropriate mechanisms for reporting and accountability were put in place. None of those measures had been implemented, even though they had been approved by the General Assembly in March 1995 and had thus become binding. JIU had also, in an earlier report, called for a comprehensive system of reporting on personnel matters on a biennial basis, so as to ensure managerial accountability.

15. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management) said that he appreciated the acknowledgement in the JIU report (A/51/656) that the Secretary-General had tried to address criticism and suggest a way forward with the introduction in 1993 of the existing placement and promotion system. While that system was not an excellent one, it contained sound elements, such as open competition for jobs, performance-based criteria, and recognition of mobility and staff training in consideration for promotion.

16. OHRM was working to streamline processes and address legitimate concerns to ensure that staff were given an opportunity for personal development and career advancement. In his 1994 strategy for the management of the Organization's human resources, the Secretary-General had envisaged a supplementary triennial review of staff who had not had advancement opportunities for a lengthy period. The negative perceptions reflected in the survey referred to in paragraph 64 of the JIU report were only perceptions. The fact that staff members who were competent, mobile and productive were known to their superiors and Governments did not detract from the quality of their work or mean that they should not be recognized in the promotion process. There was, regrettably, pressure from some Permanent Missions, whose readiness to interfere and micro-manage undermined the Charter. That was a problem which required the Committee's attention.

17. His Office hoped that the Secretary-General's human resources management strategy would be successfully implemented, despite its perhaps overly ambitious nature, and that it would enable the Organization to meet the challenges of the twenty-first century. The unprecedented financial crisis had, however, had a serious impact on the full implementation of some components of the strategy, although the crisis should not be used as an ongoing excuse for all the Secretariat's shortcomings. Recent staff reductions in OHRM itself had made it increasingly difficult for it to carry out the strategy while coping with the day-to-day workload. Some progress had nevertheless been made in implementing performance management, including the introduction of a new Performance Appraisal System, a People Management Training Programme, human resources management planning and information database-building. Work had also begun on career development policies and pilot schemes for delegating authority. The

fact that references to career development had been omitted from the proposed medium-term plan could be attributed to over-zealous editing. He trusted that the Fifth Committee would restore proper references in the medium-term plan document itself. Efficiency measures and streamlining of processes had marginally reduced the impact of budget and staffing reductions to some degree, but the requirement to freeze posts for the remainder of the biennium together with the further reductions which were expected did not bode well for future efforts to accelerate the implementation of the strategy.

18. OHRM recognized that further work was required in certain areas and noted, in particular, the Joint Inspection Unit's recommendation that temporary appointments for longer than three months at the P-2 and P-3 levels should be banned. The ongoing efforts to enhance the Secretariat's ability to forecast vacancies and streamline recruitment procedures were intended to obviate the need for such temporary hiring, thus making it possible to undertake proper national competitive examination roster recruitment in a timely fashion. Basic to such changes was a less parochial thinking and a more holistic or corporate approach on the part of departmental heads. OHRM must have support and cooperation, or at least compliance.

19. On the issue of mission replacement, a balance needed to be struck between ensuring that temporary needs were met and avoiding the use of untested individuals hired on short-term contracts without due regard for the principle of equitable geographical distribution. Such individuals subsequently made a career of moving from one mission replacement function to another until they had gained so much experience that jettisoning them would represent a loss to the Organization and a failure on the part of human resources management. Although blocking off that avenue of recruitment in favour of recruitment through national competitive examinations would deny the Secretariat some outstanding talent, the challenge was to identify such talent and ensure proper intake through the appropriate channels mandated by the General Assembly. In that connection, the Secretary-General had proposed that further study might be given to mission replacement arrangements that encouraged staff development through the performance by internal candidates of different or higner-level functions on a temporary basis.

20. The Secretariat had also welcomed the emphasis placed by JIU on the need to encourage staff mobility and willingness to take on new or different assignments, preferably in different offices or duty stations. OHRM was focusing on ways to ensure that staff could return from the field to their parent duty stations and perform functions that recognized and rewarded their hard-earned and valuable field experience. Again, departmental cooperation was an essential element in the implementation of such a scheme.

21. The comments of JIU on career development had not taken into account the fact that the career development system was being implemented as part of the 1994 human resources management strategy. In adopting resolution 49/222 A and providing OHRM with funding for that purpose, the General Assembly had, in fact, set in motion a number of measures designed to facilitate the development of career planning. Those measures included the introduction of a human resources management planning function which would enable the Secretariat to project staff needs and design training to meet those needs; the introduction of performance management through the Performance Appraisal System; the introduction of people

management training designed to enable managers and supervisors to have a better understanding of and to take responsibility for the staff entrusted to them; and the initial development of a management assignment programme for P-2 and P-3 staff recruited through the national competitive examination process. Again, departmental collaboration in all of those areas was an essential ingredient.

22. While OHRM shared the regret of the Joint Inspection Unit and a number of delegations that the Secretariat had not progressed faster and further, it was moving ahead as quickly as possible under the current resource constraints. Member States should understand, however, that, with the resources available and taking account of the other demands placed on the global Secretariat, it was unlikely that a comprehensive career development programme could be elaborated for every single staff member. Any system would necessarily have to recognize the limitations for career advancement that existed in any organization, in other words the pyramidal structure which precluded all staff members from reaching the pinnacle of their ambitions. Nevertheless, OHRM intended to do its best to work towards a system that encouraged all staff to meet their full potential within a framework of career ambitions. Given the nature of the vertical constraints, there was an urgent need to find new horizontal opportunities that would enable the staff to feel that they could make a difference.

23. With regard to the comments of JIU on the consolidated measures introduced by the Secretary-General to improve the status of women in the Secretariat, he wished to assure the Committee that at no time had discriminatory instructions been issued to the effect that lesser qualified women candidates should be given preference over male colleagues with superior qualifications. In accordance with United Nations Administrative Tribunal jurisprudence, the consolidated measures set out in administrative instruction ST/AI/412 specified that a woman candidate, whether internal or external, should be given preference only when her qualifications met all the requirements for the vacant post and when her qualifications were substantially equal or superior to those of competing male candidates (para. 15). The Secretary-General's comments on the JIU report would fully address all the issues raised by the inspectors and demonstrate that his policies aimed at improving the status of women in the Secretariat were fully in accord with the relevant provisions of the Charter, as interpreted by the Administrative Tribunal. In point of fact, 56 per cent of all staff members promoted in 1995 had been men, and 52 per cent of all staff members promoted to date in 1996 had also been men. So-called "reverse discrimination" in favour of women was thus neither a policy nor a reality in the United Nations Secretariat.

24. OHRM was well aware that some delegations might feel frustration or even anger at the litany of apparent failures listed in the JIU report. However, the Fifth Committee tended only to see the negative side of the various mechanisms that were used to fill posts, and overlooked the daily pressure on departmental heads to get the job done. The Secretariat had been quite properly denied the flexibility in human resources management enjoyed by the private sector; consequently, the Organization had to live with and make the best of a cumbersome system that was responsive to Member States and to respect the principles of geographical distribution, gender balance and the fullest use of official languages, as well as the perceptions and demands of the staff. It was easy to criticize, but more difficult to work together in order to make such a complex system work.

25. Mr. KELLY (Ireland), speaking on behalf of the European Union and of Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Norway, Poland and Romania, said that he wished to offer some comments on the Secretary-General's proposals for the reform of the internal system of justice in the United Nations Secretariat (A/C.5/49/13, A/C.5/49/60 and Add.1-2 and Add.2/Corr.1, A/C.5/50/2 and Add.1), an issue which the General Assembly had taken up some time before. In resolution 47/226, the General Assembly itself had stressed the importance of a just, transparent, simple, impartial and efficient system of internal justice in the Secretariat and it was in that context that the Secretary-General had been asked to undertake a comprehensive review of the internal system of justice and submit proposals for reform.

26. In considering the Secretary-General's proposals, the European Union had found it judicious to distinguish between proposals designed to enhance earlier reconciliation and resolution of disputes before they developed into formal litigation, and plans for professionalism of the membership of the existing appeals and disciplinary boards. The European Union supported the Secretary-General's proposals and believed that they should help to reduce the number of cases requiring formal review. It therefore welcomed the proposal that the existing panels on discrimination should be replaced by ombudsman panels, since it believed that the greater emphasis which the new panels would place on mediation was both apt and advantageous. The European Union also supported the establishment of the post of a coordinator to organize, train and guide the ombudsman panels. As had been stated in the Sixth Committee, the members of the ombudsman panels should have direct experience of the work of the United Nations and enjoy the confidence of both the Administration and the staff.

27. The European Union also supported the proposals for the reform of the existing procedures dealing with review of administrative decisions. A major improvement would be effected by transferring responsibility for review of administrative decisions to an independent unit within the Office of the Under-Secretary-General for Administration and Management, which would be separate from the existing Administrative Review Unit. The European Union also supported the proposed amendments to the Staff Rules which would allow for extension of the present time limits for administrative review.

28. In supporting the proposed reforms, the European Union wished to recall its comments in the Sixth Committee that, for reasons of due process, it was important that all staff members should be able to choose between referring a grievance to an ombudsman panel or having immediate recourse to the pre-litigation review procedure, and it noted the intention to strengthen that procedure.

29. The European Union supported the proposed appointment of a Legal Officer to serve full time on the Panel of Counsel, and believed that such a move would contribute substantially to the improved operation of the internal system of justice and increase the benefit which staff could derive from the Panel of Counsel. It also welcomed the planned provision of new training programmes aimed at improving communications skills and dispute-resolution techniques within the Secretariat.

30. Regarding the Secretary-General's proposals for the replacement of the Joint Appeals Board by an Arbitration Board and the Joint Disciplinary Committee by a Disciplinary Board, the European Union concurred with the Advisory Committee on Administrative and Budgetary Questions (ACABQ) that there were still major issues to be addressed with regard to those proposals. In connection with the Sixth Committee's consideration of the legal implications of the Secretary-General's proposals, the European Union had already expressed serious doubts regarding the proposal to replace Joint Appeals Boards by Arbitration Boards. Its principal concern related to the provision for the replacement of staff members by outside experts. The latter would lack familiarity with the special regime of the United Nations which the members of the Joint Appeals Board automatically enjoyed. The European Union had also expressed doubts in the Sixth Committee about the appropriateness of arbitration as a method of settling disputes between the Administration and staff members. Provision for binding arbitration at the present stage, even if only by mutual agreement, would seem to be a derogation of the Secretary-General's responsibility for administering the United Nations. The European Union also had reservations about the proposal for an Arbitration Board, including the need to ensure the independence of arbitrators. The method of selecting appointees to all new offices established in the course of the reform should ensure that they enjoyed the confidence of both the Administration and the staff.

31. A major concern of the European Union involved the quality of Joint Appeals Board decisions and the value of their contribution to the system. It appeared that further resolution into the question was required before an authoritative assessment could be made. The European Union noted the comment by the United Nations Administrative Tribunal (A/C.5/50/2/Add.1, annex I, para. 7) that it seemed wrong to rely solely on statistics rather than analytical study in order to arrive at an accurate assessment of the performance of the Joint Appeals Boards.

32. Regarding the financial implications of the possible establishment of an Arbitration Board and a Disciplinary Board, the European Union would like further information before it could reach an informed decision on the matter. In any event, the proposed establishment of a Disciplinary Board needed to be considered in conjunction with the proposal for the establishment of an Arbitration Board.

33. The European Union had noted the concern of the Advisory Committee that not enough had been done to respond to its calls for simplification of rules and procedures so that the kind of misunderstandings which currently overburdened the system could be avoided. Furthermore, any reform of the procedure must take account of the existence of the different offices of the United Nations.

34. It would be appropriate for the General Assembly to approve the non-contentious measures and reforms proposed by the Secretary-General with a view to strengthening mediation efforts and the pre-litigation process and promoting the speedier resolution of disputes. The implementation of such measures would undoubtedly contribute to a more efficient internal system of justice and minimize the number of cases which needed to be referred to formal proceedings. The European Union noted, however, that it was currently the intention of the Secretary-General to review his proposals in the light of the comments made in the Fifth and Sixth Committees and Advisory Committee and to

submit new proposals which would, inter alia, seek to preserve the joint nature of the current arbitration process. The European Union welcomed the Secretary-General's announcement and looked forward to considering his reformulated proposals in due course. It also welcomed the efforts of the Secretary-General to improve the existing arrangements through the implementation of modest reforms.

35. Mr ODAGA JALOMAYO (Uganda) said that his delegation would address the issues raised in the report of the Joint Inspection Unit (A/51/656) once the Secretary-General had had an opportunity to respond to it. By way of preliminary comment, however, he said that the report had simply proved what his delegation and others had suspected all along, and explained why the Secretariat had not been forthcoming in responding to a number of the issues raised in that connection by delegations. The Assistant Secretary-General for Human Resources Management had said that it was easy to criticize but more difficult to work together in a climate of transparency and honesty. In the view of his delegation, the biggest problem currently bedeviling United Nations placement and promotion policies was a lack of transparency, as was amply borne out by the JIU report. Such a lack of transparency and honesty made it very difficult to work together with the Secretariat.

36. On considering the replies given by the Assistant Secretary-General to the Fifth Committee, his delegation had noted that some of them had been at variance with the introductory statement by the Joint Inspection Unit. He believed that the Secretariat was not being honest with Member States.

37. As his delegation had expected, JIU had addressed the issue of gender balance in the report, but he was extremely disappointed that the problem of racism had received no mention. The Secretariat had acknowledged the existence of sex discrimination; it would be surprising if racial discrimination did not flourish in the same climate.

38. Mr. Sengwe (Zimbabwe), Chairman, took the Chair.

39. Mr. MONAYAIR (Kuwait) recognized the importance of the issues raised in the JIU report and noted the Assistant Secretary-General's comment that there was room for improvement.

40. Mr. MOKTEFI (Algeria) said that his delegation was extremely concerned about certain placement and promotion practices, in particular that of temporary recruitment for three months with subsequent extension of contracts; the lack of standards for ensuring that staff members with equivalent qualifications encumbered equivalent posts; the lack of career development; the lack of respect for placement and promotion guidelines and the consequent financial impact on the Organization; and the lack of any clear instructions outlining the responsibilities and duties of programme managers.

41. Ms. ALMAO (New Zealand) said that her delegation noted the Secretary-General's intention to respond to the JIU report at a later date, and she reserved the right to make further comments at that stage.

42. Mrs. BUERGO RODRIGUEZ (Cuba), commenting on the JIU report on placement and promotion (A/51/656), said that, while she agreed with many of the questions and

concerns raised during discussions in the Committee, most of which had been addressed in the report, the content of the report and the recommendations therein would require careful study. The Committee should include in the draft resolution on the agenda item specific guidelines relating to career development and discrimination. Referring to the latter, she expressed her concern at the possibility of racial discrimination which had been referred to and requested that the Secretariat should inform the Committee of all such cases, if any.

43. The preliminary comments made by the Assistant Secretary-General for Human Resources Management showed the importance of the forthcoming report of the Secretary-General. She hoped that the Secretary-General's report and any other relevant information would be available as soon as possible so that it could be considered during the discussions and informal consultations already underway.

44. Mr. BOUAYAD-AGHA (Joint Inspection Unit) said that the innovations described by the Assistant Secretary-General for Human Resources Management were indeed impressive, but he wondered how those new institutions differed from the old institutions in practice. He also wondered when those new institutions would be fully functional. He was certainly in favour of equal opportunity in recruitment for men and women and believed that the Organization was succeeding in implementing its major concerns of justice, fairness and the prevention of abuse.

AGENDA ITEM 121: UNITED NATIONS COMMON SYSTEM (continued) (E/1993/119 and Add.1; A/50/30 and Add.1; A/51/30; A/C.5/50/23; A/C.5/51/24, A/C.5/51/25 and Corr.1)

AGENDA ITEM 122: UNITED NATIONS PENSION SYSTEM (continued) (A/51/9 and Corr.1, A/51/644; A/C.5/51/4)

45. Mr. KELLY (Ireland), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia, said that the staff of the United Nations constituted an important asset. The European Union strongly supported the United Nations common system and the advantages it offered to participating organizations; it promoted coherence and equality throughout the United Nations system. He pointed out that adherence to the common system and acceptance of the statute of the International Civil Service Commission (ICSC) was voluntary and enjoyment of the benefits of the common system required acceptance of the corresponding obligations.

46. The European Union noted with great concern the decision of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to suspend the application of the revised post adjustment classification for Paris, a decision which was in violation of the ICSC statute. His action had also raised larger issues regarding the authority of ICSC and the obligation of the organizations to implement its decisions. The European Union therefore joined with the Commission in urging the Director-General of UNESCO to reconsider and to draw back from any further action which might undermine the operation of the common system as a whole.

47. He regretted that the staff bodies had been unable to respond to the request made in resolution 50/208 that they should resume participation in the

work of the Commission in a spirit of cooperation and non-confrontation, since active participation by the staff bodies in the decision-making process was essential for the effective operation of ICSC. All sides had an obligation to ensure that the consultative process functioned smoothly in order to avoid irreparable damage to the whole process.

48. The Noblemaire principle had long been the basis for determining the remuneration and conditions of service of the staff in the Professional and higher categories. The Commission had completed its study aimed at determining the highest paid national civil service and its results, and any decision taken by the General Assembly in that regard would have major implications for the continued applications of the Noblemaire principle. Conditions of service in the United Nations system must be competitive and should not be held hostage to, or be influenced by, current financial difficulties which, in the case of the United Nations, resulted primarily from non-payment by some Member States of their contributions. He noted that the General Assembly had in principle endorsed the use of special occupational rates in organizations with problems of recruitment and retention, although no evidence of such problems had been presented with regard to the United Nations Secretariat. He urged the organizations to respond to the request made by the General Assembly in section I, paragraph 4, of resolution 50/208.

49. A decision should be taken with regard to the proposals for an increase in the salary costs for staff in the Professional and higher categories, but any increase would have to be accompanied by intensified efforts to improve the system of accountability and responsibility and make it effective. The possible financial consequences would have to be taken up in the context of the performance reporting mechanisms. The European Union had noted the comments of the Consultative Committee on Administrative Questions (CCAQ) regarding the true financial impact of the Commission's recommendations, as well as the Commission's comments concerning recommendations on the need to address the structural weaknesses in the salary scale.

50. The European Union regretted that the working group on the operation of the post adjustment system had failed to reach a consensus. The time might have come for a major overhaul of the post adjustment system starting from basic principles. It might be helpful to investigate more economical and efficient systems of gathering and utilizing cost-of-living data, avoiding duplication as much as possible and including the possibility of outsourcing. A major review would, however, be an ambitious and possibly lengthy undertaking and more immediate action should be taken to address existing imbalances. As a first step, he supported the recommendation in paragraph 188 of the ICSC report regarding the manner in which the out-of-area expenditure weight used in the calculation of post adjustment indices was determined. He urged the Commission to keep all issues relating to the operation of the post adjustment system under review and to present further proposals for improvement and greater transparency. He urged the Advisory Committee on Post Adjustment Questions (ACPAQ) to continue work on the establishment of a sound methodology for determining a single post adjustment index for Geneva.

51. Turning to the report of the United Nations Joint Staff Pension Board (A/51/9), he noted that the overall results of the actuarial evaluation of the Fund were reported to be satisfactory and also noted the cautious approach

recommended by the Advisory Committee with regard to any further improvement in benefits likely to entail a review in the rate of contributions. The total investment return for the year ended 31 March 1996 had been the highest achieved during the past eight years. He recalled the Advisory Committee's observation, in paragraph 40 of its report (A/51/9), on the possibility of applying special occupational rates when recruiting Professional staff for the Investment Management Services. He commended the Secretary-General and the Investments Committee on their sound management of the Fund's investment performance. He noted the Secretary-General's intention to establish an investment benchmark for the Fund by January 1997 and supported the Advisory Committee's view that a pragmatic approach should be followed regarding use of such a benchmark in assessing the future investment performance of the Fund.

52. Referring to General Assembly resolution 50/208 (section IV, para. 5), in which ICSC was asked to make efforts to improve the readability of its reports and, in particular, to ensure that they contained clear and readily understandable explanations of its technical recommendations, he said that no discernible effort appeared to have been made to respond to that request. The European Union therefore urged ICSC and the United Nations Joint Staff Pension Board and their secretariats to produce more readable, user-friendly reports for future sessions of the General Assembly. That would contribute to better understanding of the work of the Commission and of the Board.

53. Mr. KUSI (United Nations Educational, Scientific and Cultural Organization) requested that the written comments and observations submitted by the Director-General of UNESCO concerning the United Nations common system should be distributed as an official document of the Fifth Committee.

54. At a time of serious turbulence, when the States members of many organizations were themselves following regimes of budgetary austerity, the United Nations common system must adapt itself to the ever-changing context. There should be a continuous and more determined pursuit of ways and means by which organizations might undertake more substantive activities with the resources entrusted to them by their member States.

55. He expressed surprise and regret at the contention by ICSC (A/51/30, para. 313) that its decision-making process could not be influenced by the financial impact of its recommendations nor by the financial problems faced by organizations affected by its decisions. Those statements clearly indicated that the Commission needed to be more in tune with contemporary international reality. Virtually all participating organizations were facing stringent budgetary constraints and were being urged to adopt and apply modern cost-saving and cost-effective management methods and practices. For virtually all member States which financed those organizations, no substantial increase in the remuneration of public sector employees could even be contemplated without the competent authorities giving full consideration to the overall financial and budgetary constraints. If ICSC felt that the financial consequences of its decisions should not be taken into account, he wondered what was the usefulness of rule 33, paragraph 1, of its rules of procedure concerning the administrative implications of such decisions. Recommendations and decisions of ICSC or resolutions of the United Nations General Assembly concerning the conditions of service of common system staff were not automatically binding, for the following reasons: the organizations were in different financial and budgetary

situations; staff recruitment and retention difficulties varied; and each common system organization was an independent and sovereign intergovernmental organization and should have the final word regarding the conditions of service of its staff.

56. It was both conceivable and highly desirable to have a common system with a reasonable dose of built-in flexibility. Each organization would have reasonable leeway in applying decisions or recommendations, including the time-frame for doing so, while ensuring that no changes in conditions of service would be carried out at the expense of programme resources allocated by member States.

57. At its most recent meeting, from 14 to 31 October 1996, the Executive Board of UNESCO had stated that, while the organization did have certain commitments concerning the implementation of the decisions and recommendations of ICSC, the functioning of the Commission and its management of the conditions of service of the staff of the common system needed to be reviewed so that appropriate improvements could be made.

58. With regard to the recommended Paris post adjustment classification, UNESCO was of the view that a legal duty to apply that decision could have arisen if, and only if, that decision were determined to be legally sound. He found the reference by ICSC to the International Labour Organisation (ILO) Administrative Tribunal (A/51/30, para. 314) regrettable, and found it even more regrettable that in determining the Paris post adjustment classification, the Commission itself had committed a breach of procedure, had omitted to take relevant facts into consideration, and had committed an error of law.

59. The UNESCO administration was prepared to defend its actions in an appropriate forum if and when the need arose. Based on the case law of the ILO Administrative Tribunal, decisions of ICSC were binding on the Director-General of UNESCO only when they were lawful. He disagreed with the contention by ICSC (A/51/30, para. 312). The Director-General had had the opportunity to ensure the validity of the Commission's decision since representatives of UNESCO had been present both when the Paris survey had been considered by ACPAQ and when the common system had taken its decision. The case law of the ILO Administrative Tribunal imposed on organizations the obligation to verify ex post facto the lawfulness of the Commission's decisions rather than the obligation to ensure that the common system stayed on course during its decision-making process.

60. For the moment, the Director-General did not intend to recommend that UNESCO should leave the common system, but he wished to urge reflection and debate by all the interested parties so that urgent reforms could be adopted and applied to the mutual benefit of all concerned. He believed that the member States, in their double capacity as financiers and beneficiaries of the activities of the organizations, as well as the governing bodies, the executive heads and the administrations, the staff representatives and ICSC all had useful contributions to make to the collective reform efforts.

61. He confirmed that, for reasons of principle as well as for the management considerations indicated in the Director-General's written comments and observations and in the statement he had just made, the Director-General had

serious reservations about the implementation of the Paris post adjustment classification which had been scheduled for 1 May 1996. The Director-General was of the opinion that the recommendation was legally flawed and he had therefore decided not to implement it. All UNESCO staff members had been duly informed of the Director-General's decision and of the reasons for it.

62. Mr. GIERI (Secretary, United Nations Joint Staff Pension Board), responding to questions and requests for clarification addressed to him by the representative of Ukraine at the Committee's 32nd meeting, said that the Board had exploited all the possibilities of reaching a comprehensive solution for all the former participants in the United Nations Joint Staff Pension Fund, regardless of their nationality, place of residence or length of service, who had transferred their accrued Pension Fund rights under the three Transfer Agreements between the Board and the Governments of the former Union of Soviet Socialist Republics, Ukrainian SSR and Byelorussian SSR, bearing in mind that all the monies involved had been transferred to the Social Security Fund of the former Union of Soviet Socialist Republics.

63. As indicated in the Board's report (A/51/9) and in the introductory statement made by the Chairman of the Board, he had endeavoured, since 1991, to discuss all aspects of the claims made by former participants with the three Governments principally concerned. The Government of the Russian Federation had participated in discussions since 1991, first through a designated person who had served as the focal point and subsequently through a delegation it had designated. Despite several requests made since 1991, no replies had been received from Ukraine or Belarus until 1995, when Ukraine, having been informed of a meeting with a Russian delegation in July 1995, had contacted the secretariat of the Fund to note its interest in the ongoing discussions with the Russian Federation. He had kept the Permanent Missions of Ukraine and Belarus fully informed of all developments, including those related to his visit to Moscow in May 1996.

64. At the meeting in July 1995, the Russian delegation had proposed that the problem should be addressed on a step-by-step basis, focusing initially on former participants from the Russian Federation who had at least five years of contributor service and had therefore had vested pension rights in the Fund when they had separated from service. The Board had earlier indicated in its reports to the General Assembly that, while a comprehensive solution covering all affected former participants was the ultimate goal, it might be more feasible and practical to seek acceptable stage-by-stage solutions. The Board had also suggested that the first stage might cover former participants with at least five years of contributory service, who were then 55 years of age or older. The Board, however, had never suggested that distinctions should be made on the basis of the nationality of former participants.

65. Throughout the negotiations in Moscow, the Russian delegation had maintained that it would be neither appropriate nor legally justifiable to include in the proposed agreement between the Board and the Government of the Russian Federation any reference to former participants other than those who were citizens of the Russian Federation itself, so as not to interfere with the freedom of action of other Governments. The Fund secretariat had reiterated the Board's view that the agreement should apply to former participants, regardless of their nationality (whether at the time of the transfer or subsequently). The

Russian Federation had insisted, however, that the situation of citizens of other countries could not be addressed in any bilateral agreement.

66. In response to a further question from the representative of Ukraine as to the legal grounds for involving the Pension Fund in such arrangements and whether there were any contradictions between the provisions of the Agreement and the Regulations or administrative rules of the Fund, he said that, as a subsidiary organ of the General Assembly, the Board entered into various types of agreements related to pensions with Member States and other international entities. The proposed agreement did not constitute a transfer agreement under article 13 of the Fund's Regulations. The Board had kept the General Assembly informed of all the efforts made to ascertain the extent to which the problems that had arisen with regard to the application of the three Transfer Agreements could be resolved. In that connection, the Board had requested its Secretary to continue his discussions with the Governments concerned, exploring all possible avenues. In resolution 49/224, the Assembly had called upon all parties concerned to continue their efforts to resolve the problems in a manner consistent with the letter and intent of the Agreements.

67. The proposed agreement involved a fully self-contained arrangement for prospective pension payments only; it therefore fell outside the context of the Regulations of the Fund. It had not been possible to reach agreement on full reinstatement into the Fund of the former participants concerned. The proposed arrangements did, however, provide for determination of the amount of the pension and its future adjustment in the same manner as the Fund's Regulations and pension adjustment system. It did not provide for any retroactive payments and did not extend to certain options under the Fund's Regulations, for example, lump sum commutations. The proposed agreement was submitted to the General Assembly at its current session for its concurrence in response to resolution 49/224 and on the grounds that the proposed agreement would formally terminate the Fund's Transfer Agreement with the former USSR, which itself had been concurred in by the General Assembly under article 13 of the Fund's Regulations.

68. The representative of Ukraine had also asked whether the letter and spirit of the proposed agreement between the Government of the Russian Federation and the Pension Board were in keeping with article 34 of the Vienna Convention on the Law of Treaties, under which a treaty did not create either obligations or rights for a third State without its consent. Information had also been sought as to the effect of the termination of the Transfer Agreement with the former USSR. In that connection, he said that it was important to note that the three Transfer Agreements had been suspended by the Fund early in 1992 after the dissolution of the former USSR, since the institutions referred to in the Agreements had ceased to exist, including, in particular, the Social Security Fund of the USSR to which all monies had been transferred. Formal termination of the Transfer Agreement with the USSR would be achieved by the Assembly's concurrence in the proposed agreement now before it, but that would not affect any legal situation or rights created through the execution of the Transfer Agreement while it had been in force. He particularly emphasized that no rights or obligations were granted to, or imposed on, Ukraine or its nationals by the proposed agreement with the Russian Federation, which dealt solely with the situation of certain Russian nationals. Consequently, the letter of the proposed agreement was fully consistent with the requirements of international law. Moreover, the spirit of an agreement was usually reflected in its purpose.

The proposed agreement was aimed at resolving outstanding issues related to pension matters, with a view to securing continuity of pension rights of citizens of the Russian Federation. Thus, the purpose and spirit of the proposed agreement were fully consistent with international law since they had no bearing on the rights or obligations of third States.

69. In response to the question as to whether the Fund still continued to recognize that the Russian Federation was fully responsible for the comprehensive resolution of the problems that had arisen from the implementation of all three Transfer Agreements and that it should return the appropriate sum of money to the Fund in that connection, he said that it had always been the Board's position, endorsed by the General Assembly, that the Fund had no outstanding obligations with respect to transfers made under the three Transfer Agreements. Under the mandate from the Board, the Secretary and his staff had participated in the search for solutions to the problems that would not incur additional costs to the Fund. The Russian Federation had assumed responsibility for the rights and obligations of the former USSR under the Charter of the United Nations. Questions related to the applicability of those obligations to the sums remitted by the Fund to the former Social Security Fund of the USSR should be resolved by the Member States concerned. It would clearly be inappropriate for the Board or its Secretary to become involved in such an inter-State matter. The Fund could only assist in implementing agreed arrangements for full or partial restoration of pension rights to the extent that the required monies for that purpose were remitted to the Fund.

70. The representative of Ukraine had also requested information about a number of former participants in the Fund who were not citizens of the Russian Federation and in which Member States they resided, and had asked about the decision whereby four Russian citizens who had transferred their pension rights under the Transfer Agreement between the Board and the former Ukrainian SSR were covered by the proposed agreement with the Russian Federation. There appeared to be some misunderstanding in that connection. The four persons in question had transferred their entitlements under the Transfer Agreement with the former USSR and the proposed new agreement with the Russian Federation covered only transfers made under that Transfer Agreement. The list of transferees covered by the proposed agreement had not yet been finalized. The Fund had so far identified 349 Russian citizens, as well as 8 transferees from Belarus, 27 from Ukraine and 5 from other countries that had been part of the former USSR. The Fund was still examining the situation of the 44 remaining former participants who had transferred under the three Agreements with at least five years of contributory service in the Fund.

71. As stated in paragraph 246 of its report, the Board wished to convey to the General Assembly the importance it attached to similar agreements being reached with other Member States whose citizens had transferred their pension entitlements under any of the three Transfer Agreements concerned. The Board recognized that financial arrangements with regard to the actuarial costs of such agreements should be pursued further by the States concerned and had asked the Secretary to continue his efforts to achieve a comprehensive solution relating to the claims of those former participants from the countries concerned who were not covered by the proposed agreement. The secretariat of the Fund remained ready to do all it could to assist in that endeavour.

72. Mr BOGAYEVSKIY (Ukraine) thanked the Secretary of the Pension Board for his statement, on which his delegation would have additional comments to make. In the meantime, he wished to know the nationalities of the five transferees so far identified by the Fund, to whom the Secretary of the Board had referred in his statement as coming from countries, other than the Russian Federation and Ukraine, that had been part of the former USSR.

73. Mr. GIERI (Secretary, United Nations Joint Staff Pension Board) said that the five transferees comprised one person from each of five States, namely Armenia, Azerbaijan, Kazakstan, Latvia and Lithuania.

AGENDA ITEM 141: REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (continued) (A/50/945, A/50/1004 and A/50/1005; A/51/302, A/51/305, A/51/432, A/51/467, A/51/486 and A/51/530 and Corr.1)

74. Mr. DONCHEV (Bulgaria) said that his delegation considered the activities of the Office of Internal Oversight Services (OIOS) to be innovative, exhaustive and action-oriented and agreed with the commendation of its work expressed by the representative of Ireland on behalf of the European Union. His delegation awaited with interest the further nine reports on exchanging the internal oversight mechanisms for operational funds and programmes.

75. It was gratifying to note that the tangible results achieved by OIOS included direct cost savings and recoveries amounting to $15.8 million, as well as the identification of areas for more cost-effective resource allocations in virtually all departments, field missions and organizations whose activities had been reviewed by the Office. The cumulative result of its recommendations between October 1994 and the end of June 1996 had been impressive, even though short of the ideal target. In that connection, his delegation noted with concern the long list in the appendix to document A/51/432, of significant recommendations that had been forward in the previous report (A/50/459) and on which corrective action had not been completed. His delegation felt that the Committee should be kept regularly informed of the progress and degree of compliance with outstanding OIOS recommendations.

76. An even more important aspect of the work of OIOS was its contribution to the new management culture of performance awareness and the joint responsibility of programme managers and oversight staff for maintaining a system-wide potential for deterring fraud, mismanagement and underperformance. His delegation expected the emerging in-house expertise of OIOS to be extended to the entire United Nations system coordinated by the Joint Inspection Unit (JIU). It believed that the complementary efforts made by JIU, the Board of Auditors and OIOS would produce a positive effect on system-wide procurement and outsourcing practices, the inception and liquidation of peacekeeping missions, and consultancy and the recruitment and separation of staff.

77. His delegation particularly wished to stress the need to provide OIOS with adequate human and financial resources to carry out its important assignments. The inclusion of a separate programme for its activities in the draft medium-term plan underlined once again the importance of the Office and its distinct and independent character within the emerging new management structure of the United Nations Secretariat.

78. Ms. ALMAO (New Zealand) said that the representative of Canada had already made a statement on behalf of her delegation as to the reports of the Under-Secretary-General for Internal Oversight Services. At that time, her delegation had assumed that the report contained in document A/51/486 on the investigation into the seminars organized by the Special Committee on decolonization would not be discussed at the current session. That did not, however, appear to be the case since references to the report had been made by previous speakers. Her delegation therefore also wished to comment on it.

79. Her delegation believed that no United Nations entity should be immune from the requirement to be efficient, effective and economical in its use of scarce resources. It therefore fully supported the role and work of OIOS and deeply appreciated the results it had achieved in the first full year of its operations. However, the report in document A/51/486 seemed to her delegation to have confused the investigative and evaluation functions of the Office. Under the terms of General Assembly resolution 48/218 B, the functions of OIOS were to ascertain whether there had been violations of United Nations regulations or administrative issuances; in the report in question, OIOS had confirmed that no such violations had occurred. Evaluations and inspections by OIOS were expected to consider whether the activities corresponded to legislative mandates and whether they were implemented effectively and efficiently; in that connection, OIOS had determined that the Special Committee had the authority to organize seminars in 1996 and 1997 and the legislative mandate therefore existed. Beyond that, OIOS had no mandate to call in question the actual decisions of intergovernmental bodies.

80. Her delegation had some difficulties with the investigation by OIOS into the seminars organized by the Special Committee on decolonization. The report seemed to focus solely on quantitative criteria rather than on issues of quality. In particular, the report stated that the purpose of the seminars had been undermined by limited attendance from Non-Self-Governing Territories, but it had made no attempt to give the reasons for it. A successful seminar of that kind depended on the active cooperation of three actors: the administering Power, the United Nations and the Territories concerned. If the attendance had been less than optimum it was because important administering Powers did not cooperate with the Special Committee and tended to discourage the participation of representatives from their Territories. The limited attendance was also due to some extent to the limited capacity of the secretariat of the Special Committee and the short notice given of forthcoming seminars, particularly in 1996. The report argued that the seminars were of limited utility because their agenda and recommendations had remained much the same in recent years. She pointed out that the same could equally well be said of the General Assembly. Such a quantitative approach did not take into account the nuanced character of many multilateral negotiations.

81. Her own country's experience with the seminars, and particularly with the one most recently held in Papua New Guinea, had been very positive. Her Government did not believe the seminars to be frivolous exercises, although it did acknowledge that the major work of decolonization was now over. Her delegation was convinced that there was still a need to find new, innovative and pragmatic solutions to assist the Non-Self-Governing-Territories in determining their political future. The seminars were a useful mechanism for promoting that process, throwing light on options other than independence and the status quo

which might better suit the needs of the peoples of the Territories. To achieve that, there must be an active dialogue involving all parties, both at the United Nations and in the field, so that they could ascertain the views and wishes of the people of the Territories in a democratic way.

82. Regional seminars were not the full answer to such problems, but they did assist. They could be improved: better preparation and a revised format, participation by specialized experts and perhaps more focused agendas on outcomes would also be beneficial. What her delegation could not accept was the implication that the seminars were a redundant anachronism. The post-cold-war agenda for decolonization might be over, but the results of colonization were still a matter of concern.

83. As the representative of Tokelau, a small atoll in the Pacific for which her country was the administering power, had recently told the Special Committee, decolonization might seem at times to be abstract exercise, but for those Territories that had yet to make an act of self-discrimination, their future was dependent on their collective ability to find the right answers.

84. Mr. Byong Hyun LEE (Republic of Korea) said that the Office of Internal Oversight Services had provided valuable support to the Secretary-General with regard to monitoring, internal audit, inspection and evaluation, and investigation. His delegation had been particularly impressed by the preparation and implementation of the audit plan and the ongoing management training courses and attached particular importance to the client-oriented audit which the Office had advocated as the driving principle underlying its auditing activities.

85. His delegation had been pleased to note that the Under-Secretary-General for Internal Oversight Services was continuing his efforts to ensure coordination between the internal and external oversight bodies. There was a continuing need for a constructive and productive relationship between OIOS and the Board of Auditors, and also between OIOS and JIU.

86. Oversight activities had continued to focus on peacekeeping operations, humanitarian and related activities and on the general problem of procurement. His delegation shared the view of the Under-Secretary-General for Internal Oversight Services that the work of OIOS was part of the ongoing reform of the United Nations and it hoped that the work could be expanded to cover the question of reform, including evaluation of the Secretariat's work, in a more comprehensive manner.

87. His delegation associated itself with the position of the Group of 77 and China, but had some additional comments to make. In particular, his delegation welcomed the fact that programme managers were required to implement final OIOS recommendations fully and to report at quarterly intervals on the status of implementation. It was, however, concerned that the Office had been faced with attempts to delay or discredit its work. OIOS would only be taken seriously by the Secretariat as a deterrent, as well as proactive corporate element, if the results of its activities were also taken seriously.

88. His delegation applauded the activities of the Audit and Management Consulting Division in identifying almost $12 million in potential recoveries

and savings, resulting in actual savings of almost $9 million, but it was deeply concerned about the continuing irregularities, mismanagement and wasteful expenditures within the United Nations in particular the inadequacies in procurement planning and processes.

89. His delegation was satisfied to note that OIOS had commended the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and wished to place on record its appreciation of the commitment and dedication of the UNRWA area staff and of the Agency's adaptation to changing circumstances. Recognition by OIOS of good performance was not only beneficial to the morale of staff members but also served to encourage the continuation of good work in the future.

90. The rapid structuring of OIOS under the leadership of the Under-Secretary-General was to be commended, particularly in view of the staffing difficulties resulting from budget cuts. Like other bodies, OIOS should closely monitor its resources and make every effort to utilize them as effectively as possible. In that connection, his delegation wished to hear the views of the Under-Secretary-General on the contribution made by the Member States to the work of his Office by seconding their professionals on a temporary and cost-free basis.

91. Since the establishment of OIOS was one of the most meaningful initiatives taken by the General Assembly in the context of the reform of the United Nations, his delegation wished to associate itself with other delegations which had spoken in favour of the assumption by OIOS of a proactive role in order to reflect the expectations of Member States.

92. Mr. PASCHKE (Under-Secretary-General for Internal Oversight Services) said that he had prepared a statement in response to the many questions that had been raised and wondered whether, in view of the shortness of time, and subject to the agreement of the Chairman, interested delegations might prefer to read his statement.

93. Ms. OSODE (Liberia) regretted that she had not been present when questions had been put to the Under-Secretary-General for Internal Oversight Services. Her delegation had been concerned by an article that had appeared in the press and had been covered in a BBC broadcast towards the end of October 1996 concerning some supposed irregularities involving the Acting Chief of Administration in Arusha who had been accused of undermining and delaying the work of the International Criminal Tribunal for Rwanda. The official concerned was a Liberian who had been working for the Organization for many years with great integrity and tact. It appeared that the Under-Secretary-General for Internal Oversight Services had made some observations concerning fraud and irregularities in connection with the official concerned and her delegation would therefore welcome some clarification on the matter.

94. The CHAIRMAN said that, in the circumstances, it might be better for the Under-Secretary-General for Internal Oversight Services to respond to that question and to the other questions that had been put at the following meeting.

The meeting rose at 1.10 p.m.